

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Document #

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U.S.C.A. #

U.S.D.C. #

JUDGE:

DATE:

08-cv-1151

KMW

AUGUST 7, 2008

Cohen

-v-

Local 338-RWDSU/UFCW...

INDEX TO THE RECORD ON APPEAL



PREPARED BY (NAME): THOMAS R. PISARCZYK  
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DISTRICT COURT DOCKET ENTRIES

DOCUMENT DESCRIPTION

DOC. #

CLERK'S CERTIFICATE

SEE ATTACHED LIST OF NUMBERED DOCUMENTS

(☒) Original Record

(☐) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.  
for the Second Circuit on the 7<sup>TH</sup> Day of August, 2008.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Cohen  
-v-  
Local 338 - RWDSU / UFLW  
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U.S.C.A. # \_\_\_\_\_  
U.S.D.C. # 08-cv-1151  
JUDGE: KMW  
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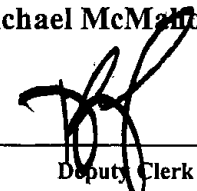
Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through \_\_\_\_\_, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

<u>Date Filed</u>	<u>Document Description</u>
_____	_____
_____	_____
_____	_____
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In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 7<sup>TH</sup> Day of August In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 233<sup>RD</sup> year.

J. Michael McMahon, Clerk

By  \_\_\_\_\_  
Deputy Clerk

APPEAL, CLOSED, PRO-SE

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:08-cv-01151-KMW**  
**Internal Use Only**

Cohen v. Local 338-RWDSU/UFCW AFL-CIO CLC et al  
Assigned to: Judge Kimba M. Wood  
Cause: 29:1001 E.R.I.S.A.: Employee Retirement

Date Filed: 02/05/2008  
Date Terminated: 06/24/2008  
Jury Demand: None  
Nature of Suit: 791 Labor: E.R.I.S.A.  
Jurisdiction: Federal Question

Date Filed	#	Docket Text
02/05/2008	1	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Charles Cohen.(jeh) (Entered: 02/22/2008)
02/05/2008	2	COMPLAINT against Local 338-RWDSU/UFCW AFL-CIO CLC, John R. Durso, Board of Trustees of Local 338 Retirement Plan and Fund Affiliated Unions. Document filed by Charles Cohen.(jeh) (Entered: 02/22/2008)
02/05/2008		Magistrate Judge Frank Maas is so designated. (jeh) (Entered: 02/22/2008)
02/05/2008	3	60 DAYS ORDER; Plaintiff's request to proceed in forma pauperis is granted but for reasons set forth in this order, the plaintiff is hereby directed to file an amended complaint. Should plaintiff decide to file an amended complaint, it must be submitted to this Court's Pro Se Office within sixty (60) days of the date of this order, be captioned Amended Complaint, and bear the same docket number of this order. No summons shall be issued at this time and all further proceedings shall be stayed for sixty (60) days or until plaintiff has complied with this order. If plaintiff fails to comply with this order, the complaint will be dismissed. Once submitted, the amended complaint shall be reviewed for compliance with this order and substantive sufficiency and then, if proper, the case shall be reassigned to a district judge in accordance with the procedures of the Clerk's Office. The Court certifies pursuant to 28 U.S.C. 1915(a)...that any appeal from this order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 02/05/2008) (jeh) (Entered: 02/22/2008)
04/03/2008	4	AMENDED COMPLAINT against Local 338-RWDSU/UFCW AFL-CIO CLC, John R. Durso, Board of Trustees of Local 338 Retirement Plan and Fund Affiliated Unions amending 2 Complaint.Document filed by Charles Cohen. Related document: 2 Complaint filed by Charles Cohen.(dle) (Entered: 04/03/2008)
06/24/2008	5	JUDGMENT, Pursuant to the order issued June 24, 2008 by the Honorable Kimba M. Wood, Chief Judge, dismissing this action without prejudice, it is, ORDERED, ADJUDGED AND DECREED: That this action is dismissed without prejudice. The Court certifies pursuant to 28 U.S.C. 1915(a)(3) that any appeal from the Court's order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 6/24/08) (Attachments: # 1 Notice of Right to Appeal)(dt) (Entered: 06/24/2008)
06/24/2008		Mailed notice of Right to Appeal to Pro Se Litigant(s): Charles Cohen. (jab) (Entered: 06/25/2008)
06/24/2008	6	ORDER OF DISMISSAL; that plaintiff's action is dismissed without prejudice as the claims raised in its lack [] an arguable basis either in law or in fact. The Court certifies pursuant to 28 U.S.C. section 1915(a)(3) that any appeal from this order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 6/24/08) (pl) (Entered: 06/26/2008)
07/21/2008	7	NOTICE OF APPEAL from 5 Judgment, 6 Order of Dismissal. Document filed by Charles Cohen. (tp) (Entered: 08/04/2008)
07/21/2008		Appeal Remark as to 7 Notice of Appeal filed by Charles Cohen. \$455.00 APPEAL FEE DUE. IFP REVOKED 6/24/08. (tp) (Entered: 08/04/2008)
08/04/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 7 Notice of Appeal. (tp) (Entered: 08/04/2008)
08/04/2008		Transmission of Notice of Appeal to the District Judge re: 7 Notice of Appeal. (tp) (Entered: 08/04/2008)